

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DAVID JAY FLY,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	
ANIXTER, INC.,)	Removed from the Circuit Court of
)	Williamson County, Tennessee
Defendant.)	Case No. 2013-429

**NOTICE OF REMOVAL OF CIVIL ACTION
TO UNITED STATES DISTRICT COURT**

Defendant Anixter Inc. (“defendant” or “Anixter”) hereby removes the above-entitled action from the Circuit Court of Williamson County, State of Tennessee, to the United States District Court for the Middle District of Tennessee, pursuant to 28 U.S.C. §§1332, 1441 and 1446. In support of this Notice of Removal, defendant respectfully states as follows:

Summary of State Court Proceedings

1. On August 26, 2013, plaintiff David Jay Fly (“plaintiff”) filed a Complaint in the civil action in the Circuit Court of Williamson County in the State of Tennessee, Case No. 2013-429, entitled “David Jay Fly vs. Anixter, Inc.” (the “Complaint”). On August 30, 2013, the Complaint and Summons were served on defendant’s registered agent in the State of Tennessee, Corporation Service Company, by certified mail. A copy of the Complaint and Summons are attached hereto and incorporated herein as Exhibit A.

2. No further process, pleadings or motions have been served and no further proceedings have taken place in this action.

3. Plaintiff filed the Complaint seeking to recover damages for alleged statutory and common law retaliatory discharge under Tennessee law, in connection with the loss of plaintiff's employment with Anixter Inc.

4. This Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332, because the parties are citizens of different states and the amount in controversy is in excess of \$75,000.00, exclusive of interest and costs. Specifically, as alleged in the Complaint, defendant is a foreign corporation organized and existing pursuant to the laws of the State of Delaware and has its principal place of business in Glenview, Illinois. Exhibit A, Complaint at ¶ 2. Under 28 U.S.C. § 1332(c)(1), defendant is a citizen of the states of Delaware and Illinois. As further specifically alleged in the Complaint, plaintiff is a citizen of the State of Tennessee. Exhibit A, Complaint at ¶ 1. Accordingly, complete diversity exists between the parties.

5. Plaintiff's Complaint requests damages in the amount of Five Hundred Thousand Dollars (\$500,000.00). Specifically, plaintiff alleges in his Complaint that he is seeking damages for lost wages, lost future earnings, impairment of earning capacity, emotional distress and compensatory damages in an amount not to exceed Two Hundred and Fifty Thousand Dollars (\$250,000.00). Exhibit A, Complaint at ¶ 8 and page 4. Plaintiff also seeks punitive damages in an amount not to exceed Two Hundred and Fifty Thousand Dollars (\$250,000.00). Exhibit A, Complaint at page 4. The Court has original jurisdiction of this action under 28 U.S.C. § 1332(a)(1) and this action is removable pursuant to 28 U.S.C. § 1441(a) because it is between citizens of different states and the amount in controversy is in excess of \$75,000.00, exclusive of interests and costs.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a), because the United States District Court for the Middle District of Tennessee, Nashville Division, embraces Williamson County, Tennessee, the place where the state court action was brought and is pending.

7. This Notice of Removal has been filed within thirty (30) days of receipt of the Complaint and Summons, by service or otherwise, as required by 28 U.S.C. § 1446(b).

8. Written notice of the filing of this Notice of Removal has been given to plaintiff's counsel of record, along with a copy of the Notice of Removal, and will be promptly filed with the Clerk of the Circuit Court of Williamson County for the State of Tennessee, as required by 28 U.S.C. § 1446(d). A copy of the Notice to the Clerk of the Circuit Court of Williamson County for the State of Tennessee is attached hereto and incorporated herein as Exhibit B.

WHEREFORE, defendant Anixter Inc. requests that the above action now pending in the Circuit Court of Williamson County in the State of Tennessee be removed therefrom to this Court.

Dated this 26th day of September, 2013.

Respectfully submitted,

/s/ James H. Harris III

James H. Harris III (BPR #2731)

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Attorneys for Defendant
Anixter Inc.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Defendant Anixter Inc.'s Notice of Removal of Civil Action to United States District Court has been served via First Class Mail to:

Mr. Michael M. Raulston
511 Georgia Avenue, Second Floor
Chattanooga, Tennessee 37403

on this 26th day of September, 2013.

/s/ James H. Harris III
James H. Harris III